

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES LEE COKER, §
§
Petitioner, §
VS. § CIVIL ACTION NO. 2:13-CV-317
§
INMATE RECORDS, §
§
Respondent. §

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the Hughes Unit in Gatesville, Texas, which is located in Coryell County. (DE 1). In his complaint, Plaintiff complains his sentences have been incorrectly calculated. (DE 1).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Waco Division of the Western District of Texas, and he was convicted by courts located in the Dallas Division of the Northern District of Texas and in the Wichita Division of the Northern District of Texas. While Petitioner states in the pending petition that he is challenging the Wichita conviction, upon review, it appears he is challenging the Dallas County conviction.

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be

transferred in furtherance of justice to the district court within which the state court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Dallas County, it is more convenient and would further the interests of justice for this action to be handled in the Dallas Division of the Northern District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Dallas Division of the Northern District of Texas.

Accordingly, it is ordered that this case be transferred to the United States District Court for the Northern District of Texas, Dallas Division. All pending motions are denied as moot and are subject to renewal after the case is transferred.

ORDERED this 21st day of October, 2013.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE